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10 April 1956

MEMORANDUM FOR RECORD

SUBJECT: Building - Architect Contract

1. I have talked to GSA about several changes in the draft of the contract submitted to us about 10 April 1956. I discussed the matter with John Fretz, who is an attorney working for Joseph Moody, Assistant General Counsel, Public Building Services.

2. In a telephone conversation with Mr. Fretz on 13 April I read to him my suggested revisions. I indicated that although we were quite agreeable to other forms of revisions, we found the present draft unacceptable because of ambiguity and lack of clarity. At his request I forwarded an original and two copies of each of the three revisions to him by special messenger at about 1300 on 13 April 1956.

3. About 1500, 13 April, I received a telephone call from Moody. He stated complete agreement with suggested revision of Article III. The suggested revision of Article XVI is, of course dependent upon the final text of Article XI. He was primarily concerned with Article XI, Disputes. He agreed with me that the present text is unclear and possibly even meaningless. He also stated that the proposed revision was acceptable except in one particular--under some circumstances the Contract Architect would have no right of appeal. I agreed but pointed out that under the existing text his right of appeal under those same circumstances is illusory. Moody will discuss this matter with Max Elliott and he will revise the text so as to meet our objections while preserving the right of appeal by the Contract Architect from all adverse decisions. He also stated that the appointment of a new Commissioner of PHS is expected momentarily and this might solve the problem completely since the Commissioner would be the Contracting Officer.

4. Copies of my suggested revisions are attached to this memorandum. A copy of the draft contract is attached to the OGC subject copy of this memorandum.

Distribution: FOIAB3B FOIAB3B
Orig. & 2 - [redacted]
1 - subject *James H. [redacted]*
1 - signer *[redacted]* Assistant General Counsel
Attachments 1 - OGC copy

OGC [redacted]

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